

APRIL 24, 2012

**CITY OF GUNNISON COUNCIL
REGULAR SESSION MEETING MINUTES**

7:00 P.M.

The City Council Regular Session meeting was called to order at 7:00 P.M., by Mayor Houck along with Councilors Harriman, Drexel, Seymour and Nesbitt present along with City Manager Coleman, City Clerk Davidson, Parks & Recreation Director Bradford, Parks & Recreation Director Ampietro, Community Development Director Westbay, Fire Marshal Spritzer, several citizens and the press. A Council quorum was present.

Ordinance and Resolutions:

Resolution No. 5, Series 2012; Re: Jim Miles' Service as Fire Chief. Councilor Harriman introduced Resolution No. 5, Series 2012; Re: Jim Miles' Service as Fire Chief, and it was read in full, with Jim Miles in attendance, by the Mayor.

Councilor Harriman moved and Councilor Nesbitt seconded the motion that Resolution No. 4, Series 2012, **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, COMMENDING AND THANKING JAMES I MILES FOR HIS EXEMPLARY SERVICE AS GUNNISON FIRE DEPARTMENT CHIEF**, be introduced, read, passed and adopted this 24th day of April, 2012.

Roll call vote, yes: Drexel, Harriman, Houck, Seymour, Nesbitt. So carried.

Roll call vote, no: None.

All of City Council thanked Mr. Miles for his years of service, not only as Fire Chief, but as a Gunnison Volunteer Fireman.

Consideration of Minutes:**Regular Session Meeting Minutes of April 10, 2012.**

Councilor Nesbitt moved and Councilor Harriman seconded the motion to approve the Regular Session Meeting minutes of April 10, 2012, as submitted.

Roll call vote, yes: Harriman, Houck, Seymour, Nesbitt, Drexel. So carried.

Roll call vote, no: None.

Pre-Scheduled Citizens:

Gunnison Sage Grouse Update – Jim Cochran. Mr. Cochran and Ms. Corrine (Corey) Knapp addressed Council. Ms. Knapp is a PhD candidate at the University of Alaska, Fairbanks. Mr. Cochran stated that Ms. Knapp is conducting research and writing her thesis on the impacts that the listing of the Gunnison Sage Grouse (GSG) as an endangered species would have on private landowners, future land use and water rights in the Gunnison Valley. Mr. Cochran discussed the following items: the US Fish and Wildlife Service (USFWS) 2006 decision that the listing of the GSG was not warranted was later challenged in court; the listing status was changed to warranted, along with other species in 2010 and this listing was again challenged in court; the USFWS must now re-review the GSG species along with the other species with a deadline of 2016; the anticipated January 2012 GSG review was not completed; the BLM and interested citizens and groups are working on developing a Candidate Conservation Agreement (CCA) for public lands and a Candidate Conservation Agreement with Assurances (CCAA) for public lands and these agreements discuss grazing, development and recreation impacts on the GSG and how projects would be screened or reviewed; the mitigation component of the agreements hasn't been defined at this time; the maintenance and emergency repair of utility lines on public lands is being discussed and will be included in the final agreement drafts; at this time there hasn't been much input from the USFWS regarding the proposed CCA and CCAA; and thus far, Hartman Rocks, the Signal Peak trails area and the VanTuyl Ranch have been identified in the recreation components of the Agreements. Mr. Cochran informed Council that it is his understanding that multiple species will have their status review completed by September, 2012. Ms. Knapp then handed out an information sheet and discussed her thesis proposal with Council. She will bring the research information back to the community and groups such as Council when it is complete. The UGRWCD has pledged \$1,500 towards her project, she met with the Board of County Commissioners this afternoon and they are considering financial assistance, and any funding assistance she can get from the City would greatly be appreciated. At Council's direction, the City Manager will look into funding through the City's Contracts for Service. Council thanked Mr. Cochran and Ms. Knapp for their presentation.

New Business:**Action on VanTuyl Ranch Lease.**

This item was discussed at last week's Work Session meeting. Public Works Director Bradford and Bill Parker were present to answer questions.

Director Bradford informed Council he had included the Council suggested lease changes from the prior discussion. A short discussion ensued regarding potential transference of the leasehold during a loan process and any resulting potential liens. Director Bradford stated that Section 7 on page 8 addresses liens. Mayor Houck brought up a wording change on page 12. The "grazed 3" stubble height" will read "grazed or reduced to less than 3" height average". Council agreed with the wording change. Council consensus was they have a comfort level with the lease as presented with the suggested wording change. Council asked Mr. Parker stated that yes, the lease adequately addresses the issues.

Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve the lease, as amended this evening, for use of the VanTuyl Ranch with Parker Pastures and to authorize the Mayor's signature upon said lease, after receipt of the lease required proof of insurance from Mr. Parker.

Roll call vote, yes: Houck, Seymour, Nesbitt, Drexel, Harriman. So carried.

Roll call vote, no: None.

Mr. Parker then brought up some issues he has on the ranch property. He is concerned about water this year. The Ranch has some water rights from the Whipp Ditch, and that ditch has multiple owners. He needs water from that ditch for the southeast corner of the ranch. If there is no water in the ditch then he loses the use of 30 to 40 acres. City Manager Coleman and Director Bradford explained to Council that the City has junior and limited water rights on the ditch. We have little say in the operation of the ditch. Operation and maintenance of the ditch headgate diversion structure is the responsibility of the Ponderosa Homeowner's Association. The maintenance of the Whipp Ditch headgate, including the cost of upgrading the structure, is in their covenants. Currently, ditch maintenance and improvement costs have to be shared by all of the ditch water users. Councilor Nesbitt suggested the homeowners association apply for an UGRWCD grant to fund headgate improvements. Mr. Parker stated this won't help the situation this year. Director Bradford informed Council that he and City Engineer Zerger have looked at the diversion structure and there is improvement costs involved. If the City takes over the operation and maintenance of the headgate then the rest of the ditch water users don't have to pay for their share. We currently are responsible for a small portion of that cost. City Engineer Zerger is looking at a 5 year capital plan for the diversion structure. The City Manager reminded Council the Whipp Ditch has seasonal flows and there just isn't much water in the river right now. Discussion ensued and the City Manager offered to speak with Mr. Parker about the City water rights in the Whipp Ditch.

Action on Agreement with Red Cross: Emergency Use of Community Center. This item was discussed at last week's Work Session meeting. Parks & Recreation Director Ampietro was present to answer any questions. The Red Cross would use the Gunnison Community Center or the Jorgensen Ice Rink facility on a temporary basis as a public shelter but does not supersede the existing Memorandum of Understanding between the City and the Gunnison Health Care Center or Assisted Living Facility.

Councilor Seymour moved and Councilor Harriman seconded the motion to approve the Agreement with the Red Cross regarding the use of the specified City facilities during an emergency as a temporary public shelter and to authorize the Mayor's signature on said Agreement.

Roll call vote, yes: Seymour, Nesbitt, Drexel, Harriman, Houck. So carried.

Roll call vote, no: None.

Action on 2012 Street Improvement Bids. This item was discussed at last week's Work Session meeting. Public Works Director Bradford was present to answer questions.

Councilor Nesbitt moved and Councilor Drexel seconded the motion to approve the staff recommendation in the memo dated April 20, 2012, and award the 2012 street improvements bid to Pavement Management Services, authorize City staff to expend not more than \$1,059,168 in additional funds from the General Fund reserves, to expend not more than \$141,297 in additional funds from the Wastewater Reserve Funds for the Reed Street storm water project, expend not more than \$50,000 from General Fund reserves for sidewalk replacements, and if Western State

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College paves the upper loop of Escalante Drive and agrees to participate with the City in paving the portion of Escalante Drive east of Adams Street, the City's expenditure will be reduced by approximately \$20,000.

Roll call vote, yes: Nesbitt, Drexel, Harriman, Houck, Seymour. Motion carried.
 Roll call vote, no: None.

Action on Street Light Bids. This item was discussed at last week's Work Session meeting. Public Works Director Bradford was present to answer questions.

Councilor Nesbitt moved and Councilor Harriman seconded the motion to award the 2012 Street Light Bids to Consolidated Electrical Distribution (CED) in the amount not to exceed \$60,000.00.

Roll call vote, yes: Drexel, Harriman, Houck, Seymour, Nesbitt. So carried.
 Roll call vote, no: None.

Unfinished Business:

Update on Sign Code Text Amendment – CD Director Westbay. Director Westbay reviewed the information in Council's packets. The Council Public Hearing on the proposed text amendment will take place on Tuesday, May 8th at 7:00 P.M. Director Westbay stated most of the comments heard at the Planning & Zoning Commission Public Hearing concerned electronic signs. The recommendation from the Commission regarding these types of signs is that they must be in a static mode, with 5 seconds of message on and 5 seconds off. Sandwich Board signs will be permitted through an administrative license agreement process. Private use of public right-of-way for these signs will be included in the proposed Code Amendment ordinance. Mayor Pro Tem Harriman suggested that Council be kept informed about the number of permitted sandwich board signs through Staff's monthly reports to Council.

Interim City Attorney Kathleen Fogo: Not present.

City Manager: Ken Coleman. City Manager Coleman informed Council he attended the local USA Pro Cycling Challenge meeting hosted by the Downtown Woodshop. The 2012 poster winner, Logan Merlatt, was recognized. The Community Cleanup took place on Saturday with 100 to 120 participants. The Harman Rock Cleanup took place on Sunday and also had over 100 participants.

Acting City Manager: Public Works Semi-Annual Departmental Report – Public Works Director Tex Bradford. Director Bradford informed Council his semi-annual departmental report was included in their packets. The 8' wide, concrete trail work has resumed on the north edge of the Van Tuyl Village Subdivision and the project should be done next week. Preparation work also continues on the Betty Carr Memorial Walkway and concrete will be placed after the compaction is complete. Councilor Harriman asked about Thornton Way. Director Bradford stated the trail has been bladed and compacted and work is complete.

City Clerk: Gail Davidson. Reminded Council the Prescription Drug Take-Back Program will take place on Friday in Crested Butte, Saturday at City Market in Gunnison and at the Gunnison Police Department next Monday. The unused prescription drugs will be disposed of properly to keep them out of landfills and the water supply.

WSC Liaison: Nicholas Edwards reported on the following: this will be his last meeting as the WSC Liaison; he will graduate on Saturday, May 5th; there will be a Conference Track & Field Meet at Mountaineer Bowl on Sunday, May 6th through Tuesday, May 8th; the Club Baseball Team won their conference and now will compete in the regional finals against Wyoming on their quest for the World Series in Georgia; and Spring Football has ended. Mayor Houck, on behalf of the entire Council, thanked Nicholas for his enthusiasm and reliability as the WSC Liaison to the City Council. He went the extra mile not only here, but in SGA, academics and athletics.

Non-Scheduled Citizens: None.

City Council Discussion, Meeting Reports, Items for Work Session:

Councilor Nesbitt: reported the following: he attended the Sage Grouse presentation to the UGRWCD meeting; Tomichi Creek was at its lowest flow on Monday or Tuesday; there may be a water call on Thursday or Friday; Ohio Creek probably peaked the beginning of the week; and the Water Board posted the bid for the Whitewater Park camera.

Councilor Seymour: nothing to report.

Mayor Houck: reported he participated in the Community Cleanup; the GCSAPP is also sponsoring the Drug Take-back Program; and he has received an inquiry about allowing late night food vending carts in the downtown area. City Manager Coleman stated he will gather further information and schedule this topic on a future Council agenda.

Councilor Harriman: reported she also participated in the Community Cleanup on Saturday and will be attending the Senior Resource Planning meeting on Thursday.

Councilor Drexel: had nothing to report.

Executive Session: Pursuant to C.R.S. §24-6-402(4)(f)(1); for the purpose of determining positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators; and Pursuant to C.R.S. §24-6-402(4)(a); For the purpose to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale.

Councilor Harriman moved and Councilor Drexel seconded the motion to go into Executive Session the purpose of which is pursuant to C.R.S. §24-6-402(4)(f)(1); for the purpose of determining positions relative to matters that may be subject of negotiations; developing strategies for negotiations; and instructing negotiators; and pursuant to C.R.S. §24-6-402 (4)(a); to discuss the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a member of the City Council has a personal interest in such purchase, acquisition, lease, transfer or sale. The Executive Session is not open to the public and action may not be taken.

Roll call vote, yes: Harriman, Houck, Nesbitt, Drexel. Motion carried.

Roll call vote, no: None.

Councilor Seymour had stepped out of the room during the roll call vote.

Council went into Executive Session at 8:56 P.M.

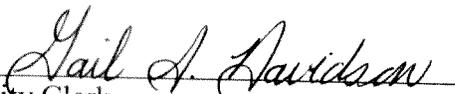
Council returned to Open Meeting Regular Session at 10:19 P.M. Mayor Houck stated the time is now 10:19 P.M., and the Executive Session has been concluded. The participants in the Executive Session were: Mayor Jonathan Houck, Mayor Pro Tem Ellen Harriman, Councilor Bob Drexel, Councilor Ed Seymour, Councilor Bill Nesbitt, City Manager Ken Coleman and City Clerk Gail Davidson. For the record, if any person who participated in the Executive Session believes that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session, or that any improper action occurred during the Executive Session in violation of the Open Meetings Law, I would ask that you state your concerns for the record. No one made any statements.

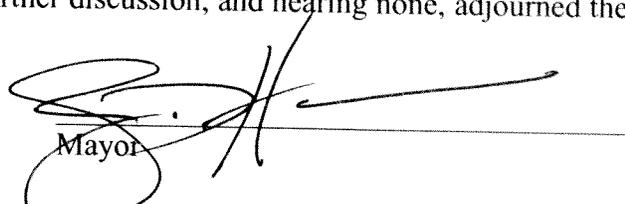
Councilor Harriman moved and Councilor Nesbitt seconded the motion to approve Kathleen Fogo as primary contract City Attorney and Jon Schumacher as backup contract City Attorney, if their contract fees are favorably negotiated with the City Manager.

Roll call vote, yes: Houck, Seymour, Nesbitt, Drexel, Harriman. So carried.

Roll call vote, no: None.

Adjournment: Mayor Houck called for any further discussion, and hearing none, adjourned the meeting at 10:22 P.M.


City Clerk


Mayor